REMARKS

Favorable consideration and allowance of the claims of the present application are respectfully requested.

Before addressing the specific rejections raised in the outstanding Office Action, Applicants have made amendments to independent Claims 1 and 9 to restrict the scope of the claims in the instant application to BiCMOS and bipolar applications. The disclosure of the present invention teaches applications in BiCMOS and bipolar applications, as supported by page 4, paragraph 18, which states, "In some embodiments in which a BiCMOS or a bipolar transistor is to be fabricated, the doped region of the second conductivity type is a subcollector." Therefore, the replacement of the word, "doped region," by the word, "subcollector," in the claims is supported by the specification. Claims 4 and 10 have been cancelled.

Since the current amendments to the claims do not introduce any new matter into the instant application, entry thereof is respectfully requested.

Claim 4 stands rejected under 35 U.S.C. § 112 for lacking antecedent basis for the term "said second dopant region."

This rejection is moot and is no longer applicable since Applicants have cancelled Claim 4 in this Response. Claims 1- 14 stand rejected under 35 U.S.C. § 102 (e) as allegedly anticipated by U.S. Patent No. 7,053,465 to Benaissa et al. ("Benaissa").

Concerning the anticipation rejection, it is axiomatic that anticipation under § 102 requires that the prior art reference disclose each and every element of the claim to which it is applied. In re King, 801 F.2d, 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986). Thus, there must be no difference between the subject matter of the claim and the disclosure of the prior art reference. Stated another way, the reference must contain within its four corners adequate

direction to practice the invention as claimed. The corollary of the rule is equally applicable: Absence from the applied reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 1571, 230 USPQ 81, 84 (Fed. Cir. 1986).

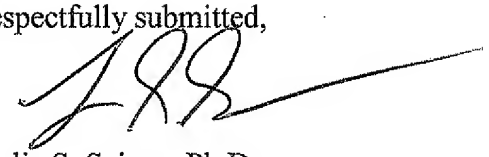
Applicants submit that the currently amended independent Claims 1 and 9 are not anticipated by Benaissa. Benaissa discloses a varactor structure for CMOS technology. The field of invention of Benaissa specifically states, "The present invention relates to a method of forming a metal oxide semiconductor varactor using CMOS technology." While CMOS technology is referred to many times in Benaissa, no reference is made to bipolar transistors or BiCMOS technology. In fact, no occurrence is found in Benaissa for the words, "bipolar" and "BiCMOS."

The instant application specifies the application of the present invention to BiCMOS and bipolar transistors, as can be seen in the above quoted sentence, "In some embodiments in which a BiCMOS or a bipolar transistor is to be fabricated, the doped region of the second conductivity type is a subcollector" and provide a specific method of forming the doped region of second conductivity, namely, formation of a subcollector. Since a subcollector is a bipolar component that is present only in bipolar circuitry or BiCMOS circuitry but not present among CMOS devices, Benaissa does not disclose or teach the invention in the instant application.

The foregoing remarks clearly demonstrate that the applied reference does not teach each and every aspect of the claimed invention, as required by King and Kloster Speedsteel; therefore the claims of the present application are not anticipated by the disclosures of Anceau. Applicants respectfully submit that the instant § 102 rejection has been obviated and withdrawal thereof is respectfully requested.

Wherefore, reconsideration and allowance of the claims in the currently amended form of the present application are respectfully requested.

Respectfully submitted,



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